



Economic Impact Analysis Virginia Department of Planning and Budget

24 VAC 30-73 – Access Management Regulations: Minor Arterials, Collectors, and Local Streets

Virginia Department of Transportation

August 29, 2008 [small revisions September 4, 2008]

Summary of the Proposed Amendments to Regulation

Pursuant to Chapters 863 and 928 of the 2007 Acts of Assembly and Chapters 274 and 454 of the 2008 Acts of Assembly, the Virginia Department of Transportation (VDOT) proposes to promulgate new Access Management Regulations: Minor Arterials, Collectors, and Local Streets,¹ which will revise and replace the existing Minimum Standards of Entrances to State Highways (24 VAC 30-71) and Part IV (Entrance Permits) of the existing Land Use Permit Manual (24 VAC 30-150). Major changes include:

1. The definition of “private entrance” is revised to include entrance to agricultural fields and entrance to communication infrastructure that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins.
2. The proposed regulation establishes that the VDOT will permit reasonably convenient access to a parcel of record, but that VDOT is not obligated to permit the most convenient access or the permit applicant's preferred entrance location or entrance design.
3. Drainage pipes where private entrance driveways meet public roads will no longer be installed by VDOT at no cost. The property owners will be responsible for the installation of the pipes.

¹ Highway is defined as a public way for purposes of vehicular travel, including the entire area within the right-of-way. Highways are classified as a principal arterial, minor arterial, collector, or local, based on their intended function. The access management regulations for principal arterials took effect July 1, 2008.

4. A deadline is included for VDOT to make a decision on an appeal from the entrance permit applicants.
5. A grandfather provision is included that locations of entrances that are approved prior to the effective date of the proposed regulations shall remain valid.
6. The proposed regulation requires that the permit applicant contact the local government to identify possible conflicts with local, state, or federal regulations and plans.
7. The proposed regulation adds a few requirements to the commercial entrance access management, including requirements on shared entrances, spacing of entrances and intersections, vehicular/pedestrian circulation between adjoining undeveloped properties, and traffic signal spacing.
8. The proposed regulation requires additional signage and certified flaggers for temporary entrances in the event that adequate sight distance is not achieved..

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

"Access management" means the systematic control of the location, spacing, design, and operation of entrances, median openings, traffic signals, and interchanges for the purpose of providing vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Each proposed highway entrance creates a potential conflict point that impacts the safe and efficient flow of traffic on the highway. In order to balance private property interests in access to the highway and public interests of safety and mobility, the board proposed to promulgate a new Access Management Regulations: Minor Arterials, Collectors, and Local Streets, which will combine and replace the existing Minimum Standards of Entrances to State Highways (24 VAC 30-71) and Part IV, Entrance Permits, of the existing land Use permit Manual (24 VAC 30-150). Managing access to highways can reduce traffic congestion, help maintain the levels of service, enhance public safety by decreasing traffic conflict points, support economic development by promoting the efficient movement of people and goods, reduce the need for new highways and road widening by improving the performance

of existing highways, preserve the public investment in new highways by maximizing their efficient operation, and better coordinate transportation and land use decisions.

The proposed regulation establishes that the Virginia Department of Transportation will permit reasonably convenient access to a parcel of record. But VDOT is not obligated to permit the most convenient access or the permit applicant's preferred entrance location or entrance design. The proposed regulations will grandfather commercial entrance locations identified on rezoning proffered plans of development, site plans, and subdivision plats that are approved prior to the effective date of the regulations. Therefore, applicants meeting this deadline would not be required to alter the location of their previously approved entrances.

The board proposes to revise the definition of “private entrance” to include entrance to agricultural fields and entrance to communication infrastructure that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins. Since private entrances are built to a lower standard and cost less than the commercial entrances, the proposed regulation will allow the entrances with low volume of usage to be built to a lower standard at a lower cost. This proposed change will likely save money for the corresponding entrance permit applicants without causing any significant affect on public safety.

The proposed regulation requires that the permit applicant contact the local government to identify possible conflicts with local, state, or federal regulations and plans. VDOT will not approve an entrance permit for a proposed development until the development has been approved by the locality. This proposed change will help coordinate the local land development review process with VDOT's entrance permit process and will likely avoid any possible conflicts between the entrance locations that locality approves as part of their site plan or subdivision plat review and the entrance locations that VDOT approves. Since VDOT's analysis of the entrance permit design is dependent on the final design of the development, this proposed requirement will make sure that the locality and VDOT step in the approval of the design of a land development in a proper order. The permit applicant will likely benefit from savings in time and money in the case that there is a conflict between the entrance locations approved by the locality and by VDOT. Also the site plan and subdivision plats are forwarded to VDOT for comment and approval, so VDOT can inform the locality and the applicant on the proper location and design of entrances before an entrance permit is submitted later.

The proposed regulation includes a deadline for VDOT to make a decision on an appeal from the entrance permit applicant. The district administrator will advise the permit applicant in writing regarding the decision on the appeal within 60 days of receipt of the written appeal request or a longer timeframe jointly agreed to by the parties. The current entrance permit appeal process contains no such deadlines. VDOT estimates that currently the appeal process may take 30 days to 6 months. Adding a deadline to the appeal process will assure that entrance permit applicants receive timely responses to their concerns.

The board also proposes to establish that VDOT will no longer be responsible for installing the drainage pipes where private entrance driveways meet public roads. The property owners will be responsible for the installation of the pipes. Currently, if the property owner purchases the pipe for the entrance, VDOT maintenance forces would install the pipe at no cost. According to VDOT, the average cost for pipe installation is approximately \$750 to \$1000 per private entrance. Relieving VDOT from the commitment of installing drainage pipes at entrances to private property will shift the installation cost from public construction funds onto private property owners and will provide the VDOT maintenance forces with more time for necessary roadwork. To the private property owner, this proposed change causes an increase in cost of \$750 to \$1,000. However, this increase in cost is likely not large enough to have a significant impact on the behavior of property owners.

The proposed regulation will add a few requirements to the commercial entrances access management. Firstly, the proposed regulation promotes entrance sharing so as to reduce the number of entrances to state highways. Shared entrances shall be created and designed to serve adjoining parcels unless the permit applicant submits compelling evidence that a reasonable agreement cannot be reached with adjoining property owners or that there are physical to creating a shared entrance. Although the businesses may not get the entrance that is most convenient to them, they may benefit from the shared entrance besides the savings from the construction, because shared entrances and connections between the businesses will likely make it easier for the businesses to share customers. Also, fewer roadway delays and better traffic flow will likely preserve and even enhance the market reach of these businesses.

Secondly, the proposed regulation requires spacing of the commercial entrances and intersections on minor arterials and collectors, as well as spacing between traffic signals. The

current regulations do not have such requirements. Study has shown that greater spacing is related to reduce crash rates.² These proposed changes will likely reduce traffic congestion, which will reduce fuel consumption and air pollution; reduce traffic crashes and improve public safety; reserve critical roadway capacity and reduce the need for new highways and adding lanes to highways, which will save the taxpayer's money. At the same time, the proposed regulations respect property owners' rights to reasonable access.

The proposed regulation also require that the permit applicant record access easements and to construct vehicular connections on a minor arterial highway, or on a collector when required by the district administrator's designee. Where appropriate, the permit applicant also shall construct pedestrian connections to the boundary lines of adjoining undeveloped properties. This proposed change will facilitate traffic circulation between adjacent properties, reduce the number of entrances to the highway, and maximize use of new signalized intersections.

The board also proposes that for temporary entrances, in the event that adequate sight distance is not achieved, additional signage that meets the Manual on Uniform Traffic Control Devices standards (see 24VAC30-73-170 D) and certified flaggers shall be used to ensure safe ingress and egress. According to VDOT, currently possible need for trained flaggers and signage is already addressed in "Virginia Work Area Protection Manual for Temporary Traffic Control."³ Therefore, this proposed change will likely not cause any significant impact on the permit applicants.

Businesses and Entities Affected

The proposed regulation will likely affect any party that applies for an entrance permit. The public will likely benefit with reduced traffic congestion, reduced fuel consumption, and improved public safety.

Localities Particularly Affected

The proposed regulation will affect counties and smaller towns in which VDOT regulates access to state controlled highways. It will not affect cities, larger towns, and Henrico and Arlington Counties, which maintain and control access to their roads.

² Source: http://www.virginiadot.org/projects/accessmgt/Benefits_of_Access_Mgt.pdf.

³ Source: <http://www.virginiadot.org/business/resources/1-WEBwapmCOVER.pdf>.

Projected Impact on Employment

The proposed regulation will improve traffic flow and facilitate the customers' access to the businesses near the entrances and intersections, which will likely have a positive impact on the number of people employed by these businesses.

Effects on the Use and Value of Private Property

The private property owners will be responsible for the installation of the drainage pipes, which will cost approximately \$750 to \$1000 on average. On the other hand, managing access to highways will reduce traffic congestion and improve public safety, which will likely enhance the market reach of the businesses near the entrances. This will have a positive impact on the use and value of their property.

Small Businesses: Costs and Other Effects

The proposed regulation will reduce traffic congestion and improve public safety, which may enhance the market reach for the small businesses. Although small businesses may not get the entrance that is most convenient for them, they may receive more customers by sharing entrances and connections with other businesses..

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses will likely benefit from the proposed regulations.

Real Estate Development Costs

The proposed regulations will affect the real estate developers who will apply for an entrance permit. The private property owners will be responsible for the installation of drainage pipes, which will cost \$750 to \$1,000 approximately. The real estate developers may not have the permit for entrance or signal that is most convenient for them. However, they will likely benefit from the reduced traffic congestion and improved safety as well as reduced construction cost.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact

analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.